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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,634	11/28/2000	Ramesh Mantha	2664.20	4602

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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,634

Applicant(s)

MANTHA, RAMESH

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 10-16, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 18, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The indicated allowability of claims 18 is withdrawn based on the cited reference(s) below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 18, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Holtzman et al (US Patent 6,850,506 B1).

Regarding to claim 18, Holtzman discloses a method of allocating a power budget between communication channels, at least one of which is a voice channel (fig. 9A), comprising the steps of predicting power requirements for the at least one voice communication channel during a future time period 804 (col. 15 lines 30-35; noted the

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base station predicts the power required for the k^{th} frame (future time period) of voice user); and allocating a portion of the power budget to each of the other communication channels based on the prediction 808-810 (col. 15 lines 41-52; the remainder power is allocated for data users), wherein the predicting step includes determining actual power consumption for one of the at least one voice communication channel during a current time period (col. 15 lines 30-35; noted the power predicted for the k^{th} frame is calculated based on power consumed over a time period that's included current and previous time period), and wherein the allocating step includes allocating a portion equal to the actual power consumption to the at least one voice communication channel 806 (col. 15 lines 35-40) and allocating a remaining portion to a remainder of the communication channels (col. 15 lines 41-52).

Regarding to claim 20, Holtzman discloses a system for allocating a power budget between at least two channels comprising a first subscriber station (user #1) operable to receive at least a voice channel (fig. 1 col. 7 lines 20-25); an additional subscriber station (user #2) operable to receive at least a data channel (fig. 2 col. 7 lines 25-27); a base station (BS) for transmitting said the voice channel to said the first subscriber-station using a portion of said the power budget and while transmitting the data channel to said the additional subscriber station using a remainder of said the power budget (fig. 2 col. 8 lines 27-35), said the portion being allocated by said base station to the voice channel for a current time period based on an actual amount of power consumed during the immediately preceding period by the voice channel (col. 15

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lines 30-35; noted the power allocated for FCH (voice) users is calculated based on power consumed over previous (immediately preceding) time period).

Regarding to claim 22, Holtzman discloses a base station (fig. 5A) comprising a gateway (implicitly shown) for receiving voice packets and data packets from a network (col. 7 lines 57-67 and col. 8 lines 1-4); a processing unit for allocating a portion of a power budget for transmitting voice packets during a current time period based on actual power consumed for transmitting voice packets during the immediately preceding time period (col. 15 lines 19-55; noted the power allocated for FCH (voice) users is calculated based on power consumed over previous (immediately preceding) time period), the processing unit being configured to allocate a remainder of said the power budget for transmitting data packets during the current time period (col. 15 lines 41-52); and a transmitter 530 for transmitting said the packets to intended subscriber stations (user #1 and user #2) via a downlink according to said the allocations (fig. 5a col. 11 lines 11-16).

Allowable Subject Matter

4. Claims 1-5, 10-16, 19, and 21 are allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD
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RICKY Q. NGO
SUPERVISORY PATENT EXAMINER